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Attorney for Defendants Hyden & Henry

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

CHARLIE J. DAVIS, JR., )  
)  
Plaintiff, )  
)  
vs. )  
)  
ZELMER HYDEN, et al., )  
)  
Defendants. )

Case No. A02-0214 CV (JKS)

**DEFENDANTS' RESPONSES TO PLAINTIFF'S DISCOVERY REQUESTS**

Come now defendants Hyden and Henry, through counsel of record, Marilyn J. Kamm, Assistant Attorney General, in response to plaintiff's discovery requests:

**INTERROGATORIES**

**Interrogatory No. 1:** Please identify each and every health care or medical care provider assigned to the Palmer Correctional Center during Mr. Davis' incarceration.

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3 **Answer:** W. Roger Hale, PA-C, Roger Hughes, PA-C, Norma Tyler, R.N., Cora  
4 Benoit, LPN, Lane Anderson, R.N. See response to Interrogatory No. 3.

5 **Interrogatory No. 2:** Please describe all medical treatment provided to Plaintiff  
6 Charlie Davis during his incarceration at Palmer Correctional Center.  
7

8 **Answer:** See medical records.

9 **Interrogatory No. 3:** Please identify all persons providing medical care to any  
10 inmate at Palmer Correctional Center during the period Charlie Davis was incarcerated.

11 **Answer:** See response to Interrogatory No. 1. Dr. Scott Kiester, Dr. Jim  
12 Billman, Dr. David Holladay and Dr. Ron Christensen. Objection to request insofar as  
13 it would require defendants to review each inmate's medical file there to determine if  
14 the inmate was seen by a physician not employed by nor on contract to DOC. The  
15 burden and expense of this discovery far outweighs any benefit to plaintiff.  
16

17 **Interrogatory No. 4:** Please identify the medical training of each and every  
18 correctional officer at Palmer Correctional Center during Mr. Davis' incarceration

19 **Answer:** Each correctional officer received training in CPR and First Aid. In  
20 addition, there was a defibrillator at the facility with instructions for its use posted on it.  
21

22 **Interrogatory No. 5:** Please identify the hierarchy or chain of command at the  
23 Palmer Correctional Center during the entire time of Mr. Davis' incarceration.

24 **Answer:** See staffing chart. Mr. Hyden was acting Superintendent.  
25  
26

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3 **Interrogatory No. 6:** Please identify the hierarchy or chain of command at the  
4 Palmer Correctional Center during the entire time of Mr. Davis' incarceration. Please  
5 include in your answer an identification of the specific chain of command or hierarchy  
6 for medical care decisions.  
7

8 **Answer:**

9 1. An inmate requesting care for medical/dental/psych needs to fill in a  
10 "Request for Medical Care", form 807.02A – commonly called a cop-out.

11 2. This is generally triaged by the nursing staff.

12 3. The nursing triage is generally reviewed by the Institution Health Care  
13 Officer (IHCO) – one of the two physician assistants. The PA will either then see the  
14 inmate or have a written response.  
15

16 4. If the IHCO feels it is necessary, they may refer the case/inmate to the  
17 collaborating physician.

18 5. The IHCO or the collaborating physician may refer the case to the medical  
19 advisory committee (M.A.C.) for further care outside of the facility.  
20

21 6. The M.A.C. consists of the Health Care Administrator (an Internal  
22 Medicine MD), a Psychiatrist, a Family Practice MD, usually a Nurse Practitioner, and  
23 a Pharmacist – others as each case dictates.

24 See response to Interrogatory No. 5.  
25  
26

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3 **Interrogatory No. 7:** Please identify each and every document describing  
4 medical treatment provided, or medications provided to Charlie Davis during his  
5 incarceration at Palmer Correctional Center.  
6

7 **Answer:** See medical records.

8 **Interrogatory No. 8:** Please identify each and every fact which supports, refutes  
9 or relates in any way to your answers to Plaintiff's Request for Admissions of even date  
10 herewith.

11 **Answer:** Defendants object to this request because it exceeds the maximum  
12 number of interrogatories a party may propound without leave of court by requesting  
13 information about plaintiff's 36 Requests for Admission. Defendants also object to the  
14 interrogatory because many of defendants' responses referred the plaintiff to documents  
15 and it is his burden to review them for the information he seeks. Also defendants object  
16 to the form of the question.  
17

18 **Interrogatory No. 9:** Please identify the person most knowledgeable regarding  
19 medical care, treatment or medication provided to Charlie Davis during his  
20 incarceration at Palmer Correctional Center.  
21

22 **Answer:** Henry Luban, M.D. Dr. Luban is DOC's Health Services  
23 Administrator and Medical Director.  
24  
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26

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3 **REQUESTS FOR ADMISSIONS**

4 **Request For Admission No. 1:** Please admit that prior to his transfer to the  
5 Palmer Correctional Center on or about May 1, 2002, Plaintiff Davis was diagnosed  
6 with a serious heart condition.  
7

8 **Response:** Admit.

9 **Request For Admission No. 2:** Please admit you were aware that Plaintiff  
10 Davis suffered a serious heart condition when he arrived at the Palmer Correctional  
11 Center in May, 2002.

12 **Response:** Objection to the form of the request because it is ambiguous  
13 regarding at what point in time defendants became aware of plaintiff's condition.  
14 Admit that defendants were aware of plaintiff's serious condition after reviewing his  
15 grievance and appeal.  
16

17 **Request For Admission No. 3:** Please admit that during his incarceration at  
18 Palmer Correctional Center, Plaintiff Charlie Davis suffered from a heart condition  
19 which could be life-threatening if not properly medicated and monitored.  
20

21 **Response:** Admit.

22 **Request For Admission No. 4:** Please admit that upon his arrival at the Palmer  
23 Correctional Center, Plaintiff Davis had a Medtronic cardioverter defibrillator implanted  
24 in his chest.

25 **Response:** Admit.  
26

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3 **Request For Admission No. 5:** Please admit that proper function and care of  
4 Plaintiff Davis' implanted defibrillator was crucial to his care and well-being during his  
5 incarceration at Palmer Correctional Center.  
6

7 **Response:** Admit.

8 **Request For Admission No. 6:** Please admit that in conjunction with his  
9 defibrillator implant, Davis was required to take anticoagulant medication.

10 **Response:** Admit.

11 **Request For Admission No. 7:** Please admit that upon his incarceration at  
12 Palmer Correctional Center, Davis had been prescribed Coumadin Crystalline.  
13

14 **Response:** Admit.

15 **Request For Admission No. 8:** Please admit you were aware that Davis was  
16 required to take Coumadin on a daily basis during his incarceration at Palmer  
17 Correctional Center.

18 **Response:** Deny.

19 **Request For Admission No. 9:** Please admit you were aware that Davis'  
20 medication levels were to be closely monitored during his incarceration at Palmer  
21 Correctional Center.  
22

23 **Response:** Deny.

24 **Request For Admission No. 10:** Please admit that Davis' medication levels  
25 were to be monitored and checked every two weeks during his incarceration.  
26

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3 **Response: Deny.**

4 **Request For Admission No. 11:** Please admit you did not monitor Davis'  
5 medication level on a daily basis during his incarceration.  
6

7 **Response: Admit.**

8 **Request For Admission No. 12:** Please admit you did not check Davis'  
9 medication levels every two weeks during his incarceration.

10 **Response: Admit.**

11 **Request For Admission No. 13:** Please admit that during Davis' incarceration  
12 at Palmer Correctional Center, correctional officers were unaware of Davis' serious  
13 medical condition.  
14

15 **Response: Defendants are unable to admit or deny this request due to lack of**  
16 knowledge.

17 **Request For Admission No. 14:** Please admit that during his incarceration at  
18 Palmer Correctional Center, correctional officers were unaware of Davis' need for  
19 medical monitoring.  
20

21 **Response: Defendants are unable to admit or deny this request due to lack of**  
22 knowledge.

23 **Request For Admission No. 15:** Please admit that on one or more occasions,  
24 Davis was not given his required medication despite his request.  
25  
26

CLERK OF COURT  
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3       **Response:** Objection to the form of the question. It is ambiguous and does not  
4 state at what point in time the question is being asked, nor does it indicate to whom  
5 Davis made the request.  
6

7       **Request For Admission No. 16:** Please admit that during his incarceration at  
8 Palmer Correctional Center, PCC did not follow doctor's orders for medical monitoring  
9 of Charlie Davis.

10       **Response:** Deny.

11       **Request For Admission No. 17:** Please admit that during his incarceration at  
12 Palmer Correctional Center, Davis went approximately 27 days without having a  
13 PT/INR test performed to determine the status of his medication levels.  
14

15       **Response:** Admit.

16       **Request For Admission No. 18:** Please admit that Plaintiff Charlie Davis'  
17 medication levels were not properly controlled during his incarceration at Palmer  
18 Correctional Center.

19       **Response:** Deny.

20       **Request For Admission No. 19:** Please admit that during his incarceration at  
21 Palmer Correctional Center, Davis suffered from blood pressure spikes.  
22

23       **Response:** Deny.

24       **Request For Admission No. 20:** Please admit that during his incarceration at  
25 Palmer Correctional Center, Davis suffered from dizzy spells.  
26

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3       **Response: Deny.**

4       **Request For Admission No. 21:** Please admit that during his incarceration at  
5 Palmer Correctional Center, Davis suffered from nose bleeds.

6       **Response: Admit.**

7  
8       **Request For Admission No. 22:** Please admit that during his incarceration at  
9 Palmer Correctional Center, Davis suffered pain.

10       **Response: Deny,** with the exception that he did complain of hip and leg pain.

11       **Request For Admission No. 23:** Please admit that during his incarceration at  
12 Palmer Correctional Center, Davis suffered anxiety.

13       **Response: Deny.**

14  
15       **Request For Admission No. 24:** Please admit that during his incarceration at  
16 Palmer Correctional Center, Davis suffered insomnia.

17       **Response: Deny.**

18       **Request For Admission No. 25:** Please admit that during his incarceration at  
19 Palmer Correctional Center, Davis suffered from physical and emotional harm because  
20 of improper monitoring of his medication levels.

21       **Response: Deny.**

22       **Request For Admission No. 26:** Please admit that between June 5, and the end  
23 of his incarceration at Palmer Correctional Center, Davis regularly complained that his  
24 medical condition was not being properly monitored in accordance with doctor's orders.  
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3 **Response: Deny.**

4 **Request For Admission No. 27:** Please admit that during his incarceration at  
5 Palmer Correctional Center, the Department of Corrections did not have a medical  
6 doctor on staff at Palmer Correctional Center.  
7

8 **Response: Deny.** There were four physicians on contract who provided medical  
9 services.

10 **Request For Admission No. 28:** Please admit that during Plaintiff Davis'  
11 incarceration, the Department of Corrections did not provide 24 hour coverage for  
12 medical emergencies at Palmer Correctional Center.  
13

14 **Response:** The correctional officers had some medical emergency training.  
15 Defendants admit that there were no health care providers on the site 24/7.

16 **Request For Admission No. 29:** Please admit that during Plaintiff Davis'  
17 incarceration, Palmer Correctional Center did not have a registered nurse on its staff.

18 **Response: Deny.**

19 **Request For Admission No. 30:** Please admit that upon his transfer to Palmer  
20 Correctional Center, Charlie Davis was not given a physical examination by a medical  
21 doctor.  
22

23 **Response: Admit.**  
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3       **Request For Admission No. 31:** Please admit that upon his transfer to Palmer  
4 Correctional Center, Charlie Davis was not given a physical examination by a registered  
5 nurse.

6  
7       **Response:** Admit.

8       **Request For Admission No. 32:** Please admit that during the time of his  
9 incarceration at Palmer Correctional Center, Charlie Davis was not given a physical  
10 examination by a medical doctor.

11       **Response:** Admit.

12       **Request For Admission No. 33:** Please admit that during the time of his  
13 incarceration at Palmer Correctional Center, Charlie Davis was not given a physical  
14 examination by a registered nurse.

15       **Response:** Admit.

16       **Request For Admission No. 34:** Please admit that during Mr. Davis'  
17 incarceration in Juneau, a medical doctor was on staff.

18       **Response:** Admit that there was at least one physician on contract to Lemon  
19 Creek Correctional Center.

20       **Request For Admission No. 35:** Please admit that Plaintiff Davis was  
21 transferred to Palmer Correctional Center without regard to his medical condition.

22       **Response:** Admit.  
23  
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Exhibit 4  
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3 **Request For Admission No. 36:** Please admit that Palmer Correctional Center  
4 provided a different level of medical monitoring than the Juneau Correctional Center  
5 during Plaintiff Davis' incarceration.  
6

7 **Response:** Deny.

8 **REQUESTS FOR PRODUCTION**

9 **Request For Production No. 1:** Please produce a copy of each and every  
10 document identified in your answers to Plaintiff's Interrogatories and Requests  
11 submitted herewith.  
12

13 **Response:** See documents previously produced and documents produced in  
14 December, 2004.

15 **Request For Production No. 2:** Please produce a copy of all documents  
16 identifying the medical training (if any) provided to correctional officers at Palmer  
17 Correctional Center during Plaintiff Davis' incarceration.

18 **Response:** Objection.

19 **Request For Production No. 3:** Please produce a copy of all policy and  
20 procedural manuals governing medical treatment of inmates at the Palmer Correctional  
21 Center during Charlie Davis' incarceration.  
22

23 **Response:** See documents produced in December, 2004.  
24  
25  
26

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3 **Request For Production No. 4:** Please produce a copy of each and every policy  
4 or procedure document showing changes to medical care, monitoring and treatment of  
5 prisoners at the Palmer Correctional Center from 1995 to present.  
6

7 **Response:** Defendants have produced all documents effective from mid-1995 to  
8 the present. Please advise if you want us to try to locate copies of policies that were in  
9 effect January 1, 1995 that were not produced.

10 **Request For Production No. 5:** Please produce a copy of each and every  
11 document which supports, refutes, or relates in any way to your affirmative defenses.  
12

13 **Response:** See documents previously produced.

14 Dated this 28 day of January 2005 at Juneau, Alaska.

15 GREGG D. RENKES  
16 ATTORNEY GENERAL

17  
18 By:



19 Marilyn J. Kamm  
20 Assistant Attorney General  
21 Alaska Bar No. 7911105

22 **VERIFICATION**

23 STATE OF ALASKA )  
24 )ss.  
25 THIRD JUDICIAL DISTRICT )

26 I, Zelmer Hyden, being first duly sworn on oath, deposes and says:

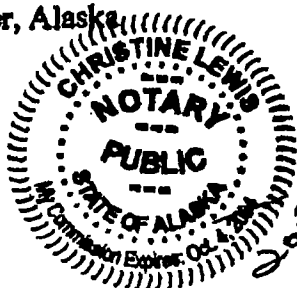
Exhibit 4  
Page 13 of 14

1  
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3 I am a Defendant in the foregoing action. I have read the foregoing answers to  
4 the interrogatories and to the best of my knowledge and belief, believe the same to be  
5 true and complete.

6 Date: 1-28-05

Z. Hyden  
Z. Hyden

7 SUBSCRIBED AND SWORN to before me this 28 day of January, 2005, at  
8 Palmer, Alaska.



[Signature]  
NOTARY PUBLIC for the State of Alaska  
My commission expires: 10/1/08

9  
10  
11  
12 VERIFICATION

13 STATE OF ALASKA )

)ss.

14 THIRD JUDICIAL DISTRICT )

15 I, Mel Henry, being first duly sworn on oath, deposes and says:

16 I am a Defendant in the foregoing action. I have read the foregoing answers to  
17 the interrogatories and to the best of my knowledge and belief, believe the same to be  
18 true and complete.

19 Date: 4-28-06

[Signature]  
Mel Henry

20 SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> April, 2006  
21 Anchorage, Alaska.



[Signature]  
NOTARY PUBLIC for the State of Alaska  
My commission expires: ending with office

22  
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Response to Plaintiff's Discovery Requests  
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Exhibit 4

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